

**UNITED STATES COURT OF APPEALS**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 20, 2005

United States District Court  
Southern District of Texas  
FILED

**FOR THE FIFTH CIRCUIT**

FEB 21 2006

Michael N. Milby  
Clerk of Court

No. 04-41672

Charles R. Fulbruge III  
Clerk

D.C. Docket No. 1:02-CV-154

LUIS ALEJANDRO GARZA

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

Appeal from the United States District Court for the  
Southern District of Texas, Brownsville.

Before REAVLEY, DAVIS, and WIENER, Circuit Judges.

**J U D G M E N T**

This cause was considered on the record on appeal and the  
briefs on file.

It is ordered and adjudged that the judgment of the District  
Court is reversed, and the cause is remanded to the District  
Court for further proceedings in accordance with the opinion of  
this Court.

ISSUED AS MANDATE: FEB 13 2006

A true copy  
Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By Sabrina P. Short  
Deputy

New Orleans, Louisiana FEB 13 2006